

## **REMARKS/ARGUMENTS**

### **1. Remarks on the Amendments**

Claims 52, 56 and 61 have been canceled without prejudice.

Claims 34, 51, 54, 55, 58, 62 and 63 have been amended to more specifically define Applicants' claimed invention.

There are now total of 25 claims pending.

### **2. Information Disclosure Statement**

Applicants submitted the cited references AG and AK in the Response dated November 30, 2003. Applicants resubmit the two references again, since the Examiner has indicated that the Patent and Trademark Office has not received these references.

### **3. Response to the Claim Objection**

Claim 51 has been amended as suggested by the Examiner.

Applicants appreciate the Examiner's indication of Claim 38 being allowable if rewritten in independent form. Claim 38 is a dependent claim of Claim 34. Applicants respectfully submit that Applicants' amendment has made the amended Claim 34 in condition for allowance. Therefore, dependent Claim 38 is also in condition for allowance.

Accordingly, Applicants respectfully requests withdrawal of the objection of Claims 38 and 51.

4. Response to the Rejections of Claims 51-52, 54-59 and 63 Based Upon 35 USC §112, first paragraph

Claims 51-52, 54-59 and 63 stand rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed by the amendment.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 51-52, 54-59 and 63 under 35 U.S.C. §112.

5. Response to the Rejections of Claims 60 and 62 Based Upon 35 USC §112, first paragraph

Claims 60 and 62 stand rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed by the amendments.

Applicants maintain that the polypeptide produced by the fragment of polynucleotide of SEQ ID NO:1 may or may not be a chemokine like factor polypeptide, and therefore, have amended Claim 60 accordingly.

Claims 60 and 62 are dependent claims of Claim 55, which is a dependent claim of Claim 51. The amended Claim 60 merely further define a method of using a vector containing the polynucleotide fragment of Claim 51 with a host cell to express the polypeptide encoded by the polynucleotide fragment of Claim 51.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 60 and 62 under 35 U.S.C. §112.

6. Response to the Rejections of Claims 51, 54-55, 57-60 and 62-63 Based Upon 35 USC §112, first paragraph

Claims 51, 54-55, 57-60 and 62-63 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed by the amendments.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 51, 54-55, 57-60 and 62-63 under 35 U.S.C. §112.

7. Response to the Rejections of Claims 34-36, 39-46, 48-50, 51, 54-55, 57-60 and 62-63 Based Upon 35 USC §103

Claims 34-36, 39-46, 48-50, 51, 54-55, 57-60 and 62-63 stand rejected under 35 USC §103 as being unpatentable over Hillier et al. (Genbank Accession No. AA455042) and Sibson et al. (WO 94/01548). This rejection is respectfully traversed by the amendments.

Claim 34 and 51 are independent claims, and Claims 35-36, 39-46 and 48-50 are dependent claims of Claim 34, and Claims 54-55, 57-60 and 62-63 are dependent claims of Claim 51, respectively.

Applicants appreciate Examiner's suggestion and have incorporated the Examiner's suggestion into the amendment of Claims 34, 48 and 51.


Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 34-36, 39-46, 48-50, 51, 54-55, 57-60 and 62-63 based upon 35 U.S.C. §103.

It is respectfully submitted that Claims 34-36, 38-46, 48-50, 51, 54-55, 57-60 and 62-63, the pending claims, are now in condition for allowance and such action is respectfully requested.

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Reply to Office Action of July 15, 2003

Applicant's Agent respectfully requests direct telephone communication from the Examiner with a view toward any further action deemed necessary to place the application in final condition for allowance.

9/6/2003  
Date of Signature

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